

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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|--------------------------------|---|-----------------------|
| ANTHONY GOOD, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | No. 3:17-CV-2967-M-BN |
| | § | |
| PROF-2013-S3 LEGAL TITLE TRUST | § | |
| IV, BY U.S. BANK NATIONAL | § | |
| ASSOCIATION, AS LEGAL TITLE | § | |
| TRUSTEE; FAY SERVICING, LLC; | § | |
| WELLS FARGO BANK, NATIONAL | § | |
| ASSOCIATION; ARIS COOK; and | § | |
| COUCH ENTERPRISES, LP; | § | |
| | § | |
| Defendants. | § | |

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**


After making an independent review of the pleadings, files, and records in this case; the United States Magistrate Judge's Findings, Conclusions, and Recommendation dated May 16, 2019; Defendants Fay and Trustee's Objections filed on May 30, 2019; and Plaintiff's Response filed on June 11, 2019, the Court finds that the Magistrate Judge's Findings, Conclusions, and Recommendation are correct and ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge dated May 16, 2019.

Defendants' Motion for Summary Judgment [Dkt. No. 32] on Plaintiff's RESPA claim is thus denied. But Plaintiff has now conceded that "RESPA applies only to loan servicers" and "only Plaintiff's RESPA claim as to Fay as the transferee servicer remains." Dkt. No. 75 at 2 (citing *Christiana Trust v. Riddle*, 911 F.3d 799 (5th Cir.

2018)).

IT IS, THEREFORE, ORDERED that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted and the RESPA claim may be pursued, but only as to Fay.

SO ORDERED this 26th day of June, 2019.


BARBARA M. G. LYNN
CHIEF JUDGE